

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JENNIFER YANCEY,

Plaintiff,

v.

Case No. _____

Wayne County Circuit Court Case No.
No. 14-012804-CK

STERLING JEWELERS, INC.,

Defendant.

MICHIGAN CONSUMER CREDIT LAWYERS

By: Gary D. Nitzkin (P41155)
And: Travis Shackelford (P68710)
Attorneys for Plaintiff
22142 West Nine Mile Road
Southfield, MI 48033
Phone: 248-353-2882
Fax: 248-353-4840
Email: gary@micreditlawyer.com

BRAUN KENDRICK FINKBEINER P.L.C

By: Jamie Hecht Nisidis (P48969)
Attorneys for Defendant
4301 Fashion Square Boulevard
Saginaw, MI 48603
Phone: 989-498-2100
Fax: 989-799-4666
Email: jamnis@braunkendrick.com

NOTICE OF REMOVAL

NOW COMES the Defendant, Sterling Jewelers, Inc., by its Attorneys, Braun Kendrick Finkbeiner P.L.C., and as grounds for removal states as follows:

1. Plaintiff, Jennifer Yancey, commenced the above-captioned action on or about October 3, 2014, by filing a Complaint in the Circuit Court for the County of Wayne, entitled *Jennifer Yancey v. Sterling Jewelers, Inc.*, Case No. 14-012804-CK. Said action is now pending in that Court.

2. On or about October 16, 2014, Plaintiff served a copy of the Complaint upon Defendant. Receipt of the Complaint on that date was Defendant's first notice of the existence of a pleading containing a claim for relief asserted by Plaintiff which could be removed to this Court. A copy of the Complaint and Service of Process Transmittal are annexed hereto as **Exhibit A**.

3. Due to a possible defect in the original service of process, the Complaint was re-served on Defendant on October 24, 2014. A copy of the Complaint and Second Service of Process Transmittal are attached as **Exhibit B**.

4. Plaintiff's Complaint against Defendant is a civil action over which this Honorable Court would have original jurisdiction when it was instituted and of which this Honorable Court has original jurisdiction under the provisions of 28 U.S.C. §1331 and is one which may be removed to this Honorable Court by Defendants pursuant to the provisions of 28 U.S.C. §1441. This action is founded upon a claim or right arising under the laws of the United States in that it involves the Telephone Consumer Protection Act, 47 U.S.C. §227 et seq. ("TCPA") for the reason that Plaintiff alleges at paragraphs 13-17 of the Complaint that Defendant violated her rights under the TCPA.

5. This Notice of Removal is filed within the time period provided by 29 U.S.C. §1446(b) and the Federal Rules of Civil Procedure.

6. Upon the filing of this Notice of Removal, Defendant shall give written notice thereof to Gary D. Nitzkin, attorney for Plaintiff, and Defendant shall file copies of said Notice of Removal with the Court Clerk of the Wayne County Circuit Court, Detroit, Michigan, attached hereto as **Exhibit C**.

7. By filing this Notice, Defendant does not waive any defenses which may be available to it, specifically including, but not limited to, improper service of process and the absence of venue in this Court or in the Court from which this action has been removed.

WHEREFORE, Defendant requests that the above-captioned action now pending against it in the Circuit Court for the County of Wayne, Michigan, be removed from said Court to the United States District Court for the Eastern District of Michigan, wherein it shall proceed as an action originally commenced therein.

BRAUN KENDRICK FINKBEINER P.L.C.

Dated: November 7, 2014.

By: s/Jamie Hecht Nisidis
JAMIE HECHT NISIDIS
Attorneys for Defendant
4301 Fashion Square Boulevard
Saginaw, Michigan 48603
989-498-2100
jamnis@braunkendrick.com
(P48969)

Exhibit A



**Service of Process
Transmittal**

10/16/2014

CT Log Number 525896429

TO: George Frankovich, VP, Secy. & Gen Counsel
Sterling Inc.
375 Ghent Road
Fairlawn, OH 44333-

RE: Process Served in Michigan

FOR: Sterling Jewelers Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

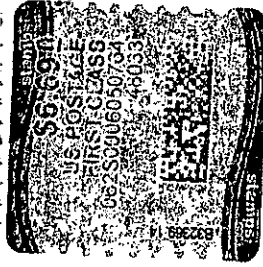
TITLE OF ACTION: Jennifer Yancey, Pltff. vs. Sterling Jewelers, Inc., Dft.
DOCUMENT(S) SERVED: Letter, Summons, Return of Service, Complaint
COURT/AGENCY: 3rd Circuit Court, Wayne County, MI
Case # 14012804CK
NATURE OF ACTION: Plaintiff files complaint against defendant for the violation of the telephone consumer protection act
ON WHOM PROCESS WAS SERVED: The Corporation Company, Bingham Farms, MI
DATE AND HOUR OF SERVICE: By Certified Mail on 10/16/2014 postmarked: "Not Post Marked"
JURISDICTION SERVED: Michigan
APPEARANCE OR ANSWER DUE: Within 28 days after the receipt of summons
ATTORNEY(S) / SENDER(S): Gary D. Nitzkin
Nitzkin & Associates
22142 West Nine Mile Road
Southfield, MI 48033
248-353-2882
ACTION ITEMS: CT has retained the current log, Retain Date: 10/17/2014, Expected Purge Date: 10/22/2014
Image SOP
Email Notification, George Frankovich gfrankovich@jewels.com
Email Notification, Jamie Pience jpience@jewels.com
SIGNED:
ADDRESS: The Corporation Company
30600 Telegraph Road
Suite 2345
Bingham Farms, MI 48025-5720
TELEPHONE: 248-646-9033

NITZKIN & ASSOCIATES
22142 W. NINE MILE ROAD
SOUTHFIELD, MICHIGAN 48033

CERTIFIED MAILTM



7013 1090 0001 4032 0511



Sterling Jewelers, Inc
d/b/a Kay Jewelers
The Corporation Company
30600 Telegraph Rd, Ste 2348
Birmingham, AL 35225

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	SUMMONS AND RETURN OF SERVICE	CASE NO. 14-012804-CK
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2 Woodward Ave., Detroit MI 48226

Court Telephone No. 313-224-2444

THIS CASE IS ASSIGNED TO JUDGE Maria L. Oxholm Bar Number: 42619

Plaintiff Yancey, Jennifer	v	Defendant Sterling Jewelers, Inc.
Plaintiff's Attorney		Defendant's Attorney

CASE FILING FEE	JURY FEE
<input checked="" type="checkbox"/> Case Filing Fee - \$150.00	<input checked="" type="checkbox"/> Jury Fee - \$85.00

ISSUED	THIS SUMMONS EXPIRES	DEPUTY COUNTY CLERK
10/3/2014	1/2/2015	File & Serve Tyler

*This summons is invalid unless served on or before its expiration date.

CATHY M. GARRETT - WAYNE COUNTY CLERK

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
 2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or take other lawful action (28 days if you were served by mail or you were served outside this state).
 3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
- X There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

___ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

___ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

___ An action within the jurisdiction of the family division of circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The docket number and assigned judge of the civil/domestic relations action are:

Docket No.	Judge	Bar No.
------------	-------	---------

The action ☐ remains ☐ is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

10/14/14
Date

Signature of attorney/plaintiff

**COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.**

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

RETURN OF SERVICE

CASE NO.
14-012804-CK

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE



OFFICER CERTIFICATE

OR



AFFIDAVIT OF PROCESS SERVER

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization not required)



I served personally a copy of the summons and complaint,



I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with

List all documents served with the Summons and Complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time



I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of me information, knowledge and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$	\$	\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with

Attachments

on

Day, date, time

on behalf of

Signature

DB

STATE OF MICHIGAN
IN THE WAYNE COUNTY CIRCUIT COURT

JENNIFER YANCEY,
Plaintiff,

-vs.-

-CK

STERLING JEWELERS, INC.,
Defendant.

GARY D. NITZKIN P41155
TRAVIS SHACKELFORD P68710
MICHIGAN CONSUMER CREDIT LAWYERS
Attorneys for Plaintiff
22142 West Nine Mile Road
Southfield, MI 48033
(248) 353-2882
Fax (248) 353-4840
Email – gary@micreditlawyer.com

14-012804-CK
FILED IN MY OFFICE
WAYNE COUNTY CLERK
10/3/2014 1:24:22 PM
CATHY M. GARRETT

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

COMPLAINT & JURY DEMAND

Plaintiff, Jennifer Yancey, through counsel, Michigan Consumer Credit Lawyers, by Gary Nitzkin states the following claims for relief:

1. This is an action for damages, brought against Defendant for violating the Telephone Consumer Protection Act at 47 U.S.C. 227(a)(1) ("TCPA")
2. Plaintiff is a natural person residing in Belleville, Wayne County, Michigan. Ms. Yancey is a "consumer" and "person" as the terms are defined and used in the TCPA.
3. The Defendant to this lawsuit is Sterling Jewelers, Inc. which is a Delaware company that maintains registered offices in Oakland County, Michigan.

VENUE

4. The transactions and occurrences which give rise to this action occurred in the City of Belleville in Wayne County, Michigan.
5. Venue is proper in the Wayne County Circuit Court in Wayne County, Michigan as the actions and occurrences recited herein occurred in Belleville, Michigan.
6. The amount in controversy exceeds twenty five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

GENERAL ALLEGATIONS

7. Defendant is calling Ms. Yancey attempting to collect a consumer type debt allegedly owed by Ms. Yancey to Kay Jewelers in the amount of approximately \$2,375.98.
8. Defendant first started calling Ms. Yancey using equipment that automated the dialing and calling process, attempting to collect the alleged debt on her cellular phone around June 2014.
9. At that time, Ms. Yancey answered her phone and told Defendant to stop calling her on her cell phone. In response, Defendant told her that she needed to resolve the issue regarding her owing it money.
10. Since Ms. Yancey told Defendant to stop calling her on her cell phone in June, 2014, Defendant has proceeded to call her on her cellular phone attempting to collect the alleged debt using automated calls numerous times. Defendant has called Ms. Yancey on the following dates:
 - a. August 15, 2014: 5 times;

- b. August 18, 2014: 3 times;
- c. August 19, 2014: 5 times;
- d. August 20, 2014: 3 times;
- e. August 21, 2014: 4 times;
- f. August 22, 2014: 5 times;
- g. August 23, 2014: 7 times;
- h. August 24, 2014: 5 times; and
- i. August 25, 2014: 7 times.

11. On or about August 27, 2014, Defendant called Ms. Yancey at her place of employment.

During this conversation, Ms. Yancey told Defendant that it could not call her at work and to never call her again. Defendant then called Ms. Yancey's mother, and left her a voicemail attempting to reach Ms. Yancey.

VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT.

12. Plaintiff reincorporates the preceding allegations by reference.

13. At all relevant times, Defendant, upon information and belief, was using an "automatic telephone dialing system" in connection with its offending contacts with Ms. Yancey as that term is defined at 47 U.S.C. 227(a)(1).

14. At no time has the Defendant ever had an "established business relationship" with Ms. Yancey as that term is defined at 47 U.S.C. 227(a)(2).

15. In violation of the proscription against contacting persons on cellular telephones, the Defendant made several contacts in contravention of 47 USC 227(b)(1)(iii).

16. These violations of this statute were all willful, or in the alternative, negligent.


17. Ms. Yancey has suffered damages as a result of these violations of the Telephone Consumer Protection Act at 47 U.S.C. 227(b)(3).

18. Each call to Plaintiff was willful. Plaintiff is entitled to damages of \$1,500 pursuant to the TCPA.

WHEREFORE, PLAINTIFF requests that the Court grant her a judgment against the Defendant in an amount in excess of \$25,000 plus costs, interest and attorneys' fees.

Respectfully submitted,

September 29, 2014



GARY D. NITZKIN P41155
TRAVIS SHACKELFORD P68710
MICHIGAN CONSUMER CREDIT LAWYERS
Attorneys for Plaintiff

Exhibit B



**Service of Process
Transmittal**

10/24/2014

CT Log Number 525950370

TO: George Frankovich, VP, Secy. & Gen Counsel
Sterling Inc.
375 Ghent Road
Fairlawn, OH 44333-

RE: Process Served in Michigan

FOR: Sterling Jewelers Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Jennifer Yancey, Pltf. vs. Sterling Jewelers, Inc., Dft.
DOCUMENT(S) SERVED:	Letter, Summons, Return of Service, Complaint
COURT/AGENCY:	3rd Circuit Court, Wayne County, MI Case # 14012804CK
NATURE OF ACTION:	Violation of the telephone consumer protection act
ON WHOM PROCESS WAS SERVED:	The Corporation Company, Bingham Farms, MI
DATE AND HOUR OF SERVICE:	By Certified Mail on 10/24/2014 postmarked on 10/22/2014
JURISDICTION SERVED :	Michigan
APPEARANCE OR ANSWER DUE:	Within 28 days after service (Document(s) may contain additional answer dates)
ATTORNEY(S) / SENDER(S):	Gary D. Nitzkin Nitzkin & Associates 22142 West Nine Mile Road Southfield, MI 48033 248-353-2882
ACTION ITEMS:	CT has retained the current log, Retain Date: 10/27/2014, Expected Purge Date: 11/01/2014 Image SOP Email Notification, George Frankovich gfrankovich@jewels.com Email Notification, Jamie Pience jpience@jewels.com
SIGNED:	The Corporation Company
ADDRESS:	30600 Telegraph Road Suite 2345 Bingham Farms, MI 48025-5720
TELEPHONE:	248-646-9033



**Service of Process
Transmittal**

10/24/2014

CT Log Number 525950370

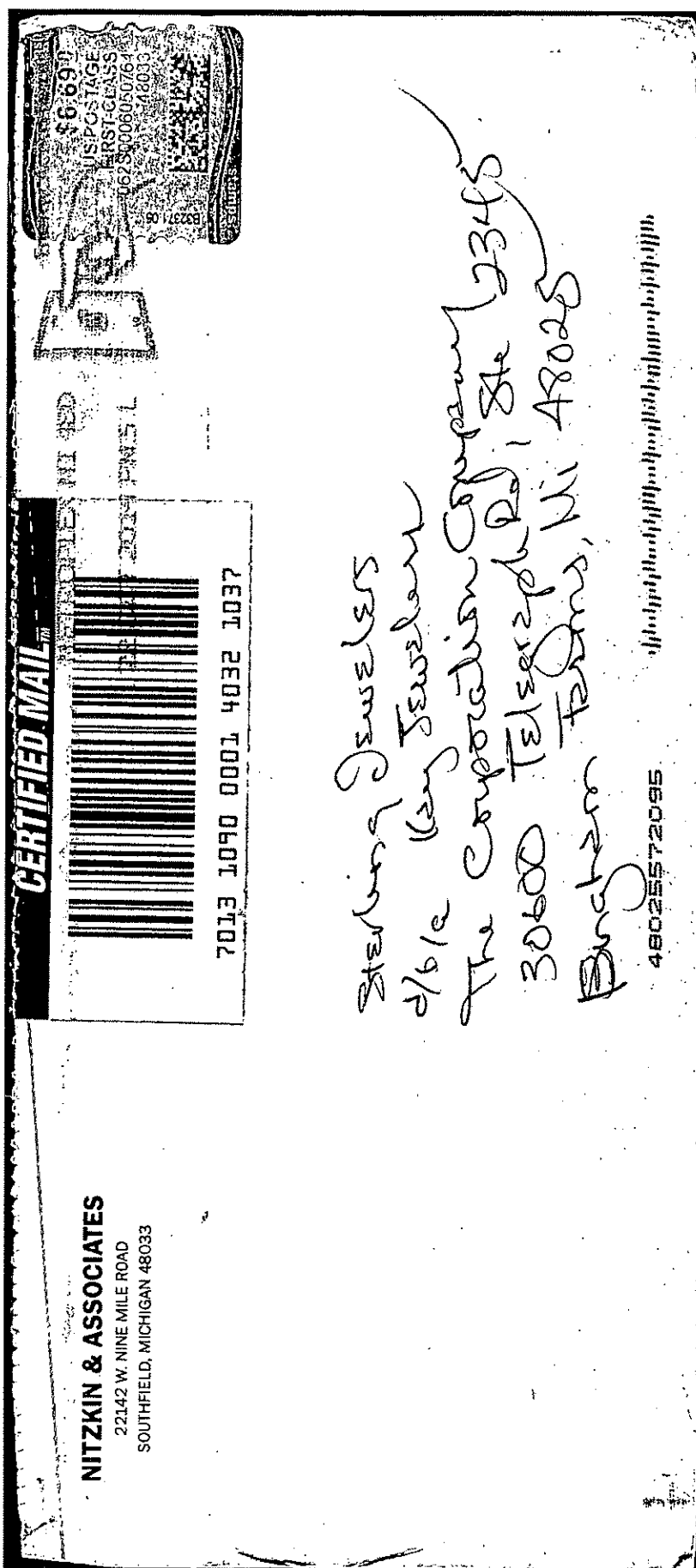
TO: George Frankovich, VP, Secy. & Gen Counsel
Sterling Inc.
375 Ghent Road
Fairlawn, OH 44333

RE: **Process Served in Michigan**

FOR: Sterling Jewelers Inc. (Domestic State: DE)

DOCKET HISTORY:

DOCUMENT(S) SERVED:	DATE AND HOUR OF SERVICE:	TO:	CT LOG NUMBER:
Letter, Summons, Return of Service, Complaint	By Certified Mail on 10/16/2014 postmarked: "Not Post Marked"	George Frankovich, VP, Secy. & Gen Counsel Sterling Inc.	525896429



STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	SUMMONS AND RETURN OF SERVICE	CASE NO. 14-012804-CK
---	----------------------------------	--------------------------

2 Woodward Ave., Detroit MI 48226

Court Telephone No. 313-224-2444

THIS CASE IS ASSIGNED TO JUDGE Maria L. Oxholm Bar Number: 42619

Plaintiff Yancey, Jennifer	v	Defendant Sterling Jewelers, Inc.
Plaintiff's Attorney		Defendant's Attorney

CASE FILING FEE	JURY FEE
<input checked="" type="checkbox"/> Case Filing Fee - \$150.00	<input checked="" type="checkbox"/> Jury Fee - \$85.00

ISSUED 10/ 3/2014	THIS SUMMONS EXPIRES 1/ 2/2015	DEPUTY COUNTY CLERK File & Serve Tyler
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*This summons is invalid unless served on or before its expiration date.

CATHY M. GARRETT - WAYNE COUNTY CLERK

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
 2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or take other lawful action (28 days if you were served by mail or you were served outside this state).
 3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
- X There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

___ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.

___ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

___ An action within the jurisdiction of the family division of circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The docket number and assigned judge of the civil/domestic relations action are:

Docket No.	Judge	Bar No.
------------	-------	---------

The action ☐ remains ☐ is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date

Signature of attorney/plaintiff

**COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.**

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.

STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT WAYNE COUNTY	RETURN OF SERVICE	CASE NO. 14-012804-CK
---	-------------------	--------------------------

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

<input type="checkbox"/> OFFICER CERTIFICATE	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER
I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party [MCR 2.104(A)(2)], and that: (notarization not required)		Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization not required)

- ☐ I served personally a copy of the summons and complaint,
- ☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the Summons and Complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare that the statements above are true to the best of me information, knowledge and belief.

Service fee	Miles traveled	Mileage fee	Total fee
\$	\$	\$	\$

Signature _____

Name (type or print) _____

Title _____

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Signature: _____
Date Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____
Attachments

_____ on _____
Day, date, time

_____ on behalf of _____
Signature

DB

STATE OF MICHIGAN
IN THE WAYNE COUNTY CIRCUIT COURT

JENNIFER YANCEY,
Plaintiff,

-vs.-

-CK

STERLING JEWELERS, INC.,
Defendant.

GARY D. NITZKIN P41155
TRAVIS SHACKELFORD P68710
MICHIGAN CONSUMER CREDIT LAWYERS
Attorneys for Plaintiff
22142 West Nine Mile Road
Southfield, MI 48033
(248) 353-2882
Fax (248) 353-4840
Email – gary@micreditlawyer.com

14-012804-CK
FILED IN MY OFFICE
WAYNE COUNTY CLERK
10/3/2014 1:24:22 PM
CATHY M. GARRETT

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

COMPLAINT & JURY DEMAND

Plaintiff, Jennifer Yancey, through counsel, Michigan Consumer Credit Lawyers, by

Gary Nitzkin states the following claims for relief:

1. This is an action for damages, brought against Defendant for violating the Telephone Consumer Protection Act at 47 U.S.C. 227(a)(1) ("TCPA")
2. Plaintiff is a natural person residing in Belleville, Wayne County, Michigan. Ms. Yancey is a "consumer" and "person" as the terms are defined and used in the TCPA.
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VENUE

4. The transactions and occurrences which give rise to this action occurred in the City of Belleville in Wayne County, Michigan.
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6. The amount in controversy exceeds twenty five thousand dollars (\$25,000.00) exclusive of costs, interest and attorney's fees.

GENERAL ALLEGATIONS

7. Defendant is calling Ms. Yancey attempting to collect a consumer type debt allegedly owed by Ms. Yancey to Kay Jewelers in the amount of approximately \$2,375.98.
8. Defendant first started calling Ms. Yancey using equipment that automated the dialing and calling process, attempting to collect the alleged debt on her cellular phone around June 2014.
9. At that time, Ms. Yancey answered her phone and told Defendant to stop calling her on her cell phone. In response, Defendant told her that she needed to resolve the issue regarding her owing it money.
10. Since Ms. Yancey told Defendant to stop calling her on her cell phone in June, 2014, Defendant has proceeded to call her on her cellular phone attempting to collect the alleged debt using automated calls numerous times. Defendant has called Ms. Yancey on the following dates:
 - a. August 15, 2014: 5 times;

- b. August 18, 2014: 3 times;
- c. August 19, 2014: 5 times;
- d. August 20, 2014: 3 times;
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- g. August 23, 2014: 7 times;
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- i. August 25, 2014: 7 times.

11. On or about August 27, 2014, Defendant called Ms. Yancey at her place of employment.

During this conversation, Ms. Yancey told Defendant that it could not call her at work and to never call her again. Defendant then called Ms. Yancey's mother, and left her a voicemail attempting to reach Ms. Yancey.

VIOLATION OF THE TELEPHONE CONSUMER PROTECTION ACT

12. Plaintiff reincorporates the preceding allegations by reference.

13. At all relevant times, Defendant, upon information and belief, was using an "automatic telephone dialing system" in connection with its offending contacts with Ms. Yancey as that term is defined at 47 U.S.C. 227(a)(1).

14. At no time has the Defendant ever had an "established business relationship" with Ms. Yancey as that term is defined at 47 U.S.C. 227(a)(2).

15. In violation of the proscription against contacting persons on cellular telephones, the Defendant made several contacts in contravention of 47 USC 227(b)(1)(iii).

16. These violations of this statute were all willful, or in the alternative, negligent.


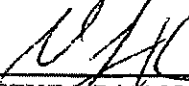
17. Ms. Yancey has suffered damages as a result of these violations of the Telephone Consumer Protection Act at 47 U.S.C. 227(b)(3).

18. Each call to Plaintiff was willful. Plaintiff is entitled to damages of \$1,500 pursuant to the TCPA.

WHEREFORE, PLAINTIFF requests that the Court grant her a judgment against the Defendant in an amount in excess of \$25,000 plus costs, interest and attorneys' fees.

Respectfully submitted,

September 29, 2014

GARY D. NITZKIN P41155
TRAVIS SHACKELFORD P68710
MICHIGAN CONSUMER CREDIT LAWYERS
Attorneys for Plaintiff

Exhibit C

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

JENNIFER YANCEY,

Plaintiff,

Case No. 14-012804-CK

v.

STERLING JEWELERS, INC.,

Defendant.

MICHIGAN CONSUMER CREDIT LAWYERS

By: Gary D. Nitzkin (P41155)

And: Travis Shackelford (P68710)

Attorneys for Plaintiff

22142 West Nine Mile Road

Southfield, MI 48033

Phone: (248) 353-2882

Fax: (248) 353-4840

Email: gary@micreditlawyer.com

BRAUN KENDRICK FINKBEINER P.L.C

By: Jamie Hecht Nisidis (P48969)

Attorneys for Defendant

4301 Fashion Square Boulevard

Saginaw, MI 48603

Phone: (989) 498-2100

Fax: (989) 799-4666

Email: jamnis@braunkendrick.com

REMOVAL NOTICE

To: Gary D. Nitzkin
Michigan Consumer Credit Lawyers
22142 West Nine Mile Road
Southfield, MI 48033

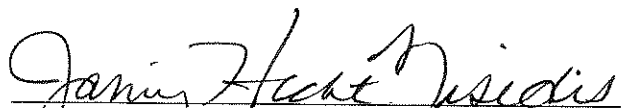
Clerk of the Court
Wayne County Circuit Court
Two Woodward Avenue
Detroit, MI 48226

PLEASE TAKE NOTICE that Defendant Sterling Jewelers, Inc. has removed this cause to the United States District Court for the Eastern District of Michigan, (the "District Court"). A copy of the Notice of Removal with the pleadings filed with the District Court is attached hereto as **Exhibit A**.

BRAUN KENDRICK FINKBEINER P.L.C.

Dated: November 7, 2014

By:


JAMIE HECHT NISIDIS (P48969)
Attorneys for Defendant